

BIRCH STEWART, KOLASCH & ARCH, LLP

COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO.

FOR PATENT AND DESIGN APPLICATIONS

0230-0161P

PLEASE NOTE:
YOU MUST
COMPLETE THE
FOLLOWING:

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

LAK ACTIVITY ENHANCERS DERIVED FROM EXTRACT OF LENTINUS EDODES MYCELIUM AND LAK ACTIVITY-ENHANCING FORMULATIONS CONTAINING THE EXTRACT

Fill in Appropriate
Information -
For Use Without
Specification
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on _____ as
United States Application Number _____; and/or

the specification was filed on November 26, 1999 as PCT
International Application Number PCT/JP99/06616; and was
amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority
Information:
(if appropriate)

➔ Prior Foreign Application(s)

(Number)	(Country)	(Month/Day/Year Filed)	Priority Claimed
<u>353927/1998</u>	<u>Japan</u>	<u>11/27/98</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>353928/1998</u>	<u>Japan</u>	<u>11/27/98</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____(Number)_____	_____(Country)_____	_____(Month/Day/Year Filed)_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____(Number)_____	_____(Country)_____	_____(Month/Day/Year Filed)_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____(Number)_____	_____(Country)_____	_____(Month/Day/Year Filed)_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____(Number)_____	_____(Country)_____	_____(Month/Day/Year Filed)_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Insert Provisional
Application(s):
(if any)

(Application Number)	(Filing Date)
_____(Application Number)_____	_____(Filing Date)_____
_____(Application Number)_____	_____(Filing Date)_____

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More Than 12 Months (6 Months for Designs) Prior To The Filing Date of This Application:

Insert Requested
Information:
(if appropriate)

Country	Application No.	Date of Filing (Month/Day/Year)
_____(Country)_____	_____(Application No.)_____	_____(Date of Filing)_____
_____(Country)_____	_____(Application No.)_____	_____(Date of Filing)_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Insert Prior U.S.
Application(s):
(if any)

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
_____(Application Number)_____	_____(Filing Date)_____	_____(Status)_____
_____(Application Number)_____	_____(Filing Date)_____	_____(Status)_____

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Terrell C. Birch	(Reg. No. 19,382)	Raymond C. Stewart	(Reg. No. 21,066)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. Meikle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,384)	Andrew F. Reish	(Reg. No. 33,443)
C. Joseph Faraci	(Reg. No. 32,350)	Donald J. Daley	(Reg. No. 34,313)

Send Correspondence to: **BIRCH, STEWART, KOLASCH & BIRCH, LLP**

P.O. Box 747 • Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:
YOU MUST
COMPLETE THE
FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole
Inventor:
Insert Name of Inventor
Insert Date This
Document is Signed

Insert Residence
Insert Citizenship

Insert Post Office
Address

Full Name of Second
Inventor, if any:

see above

Full Name of Third
Inventor, if any

see above

Full Name of Fourth
Inventor, if any

see above

Full Name of Fifth
Inventor, if any

see above

GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Kenji	ASANO	<i>Kenji Asano</i>	May 30, 2001
Residence (City, State & Country)		CITIZENSHIP	
Osaka, Japan		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
c/o Kobayashi Pharmaceutical Co., Ltd. of 3-13-35, Mitsuya Minami, Yodogawa-ku, Osaka-shi, Osaka 532-0035 Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Yukiko	MATSUDA	<i>Yukiko Matsuda</i>	May 30, 2001
Residence (City, State & Country)		CITIZENSHIP	
Osaka, Japan		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
c/o Kobayashi Pharmaceutical Co., Ltd. of 3-13-35, Mitsuya Minami, Yodogawa-ku, Osaka-shi, Osaka 532-0035 Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Yutaka	TAJIMA		
Residence (City, State & Country)		CITIZENSHIP	
Saga, Japan		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
10-511, Yaemizo 3-chome, Saga-shi, Saga 849-0935 Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

0230-0161P

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

NEW

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/JP99/06616

November 26, 1999

November 27, 1998

TITLE OF INVENTION

LAK ACTIVITY ENHANCERS DERIVED FROM EXTRACT OF LENTINUS EDODES MYCELIUM AND LAK *

APPLICANT(S) FOR DO/EO/US

ASANO, Kenji; MATSUDA, Yukiko and TAJIMA, Yutaka

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau. WO 00/32212
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is transmitted herewith.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.-1449 and International Search Report w/ cited references
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 PCT/ISA/210
 PCT/IPEA/409
 PCT/RO/101
 Verification of a translation

*ACTIVITY-ENHANCING FORMULATIONS CONTAINING THE EXTRACT

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="text-align: center; font-weight: bold;">NEW</div>		INTERNATIONAL APPLICATION NO <div style="text-align: center;">PCT/JP99/06616</div>		ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">0230-0161P</div>	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1,000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO. \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4). \$100.00 <div style="text-align: right; font-weight: bold;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>	CALCULATIONS PTO USE ONLY																					
	\$	860.00																				
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	130.00																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> </tr> <tr> <td>Total Claims</td> <td>13 - 20 =</td> <td>0</td> <td>X \$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>1 - 3 =</td> <td>0</td> <td>X \$80.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable) Yes</td> <td>+ \$270.00</td> </tr> <tr> <td colspan="3" style="text-align: right; font-weight: bold;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 1,260.00</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total Claims	13 - 20 =	0	X \$18.00	Independent Claims	1 - 3 =	0	X \$80.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable) Yes			+ \$270.00	TOTAL OF ABOVE CALCULATIONS =			\$ 1,260.00	\$	0
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																			
Total Claims	13 - 20 =	0	X \$18.00																			
Independent Claims	1 - 3 =	0	X \$80.00																			
MULTIPLE DEPENDENT CLAIM(S) (if applicable) Yes			+ \$270.00																			
TOTAL OF ABOVE CALCULATIONS =			\$ 1,260.00																			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$	0																				
SUBTOTAL =	\$	1,260.00																				
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$	0																				
TOTAL NATIONAL FEE =	\$	1,260.00																				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$	0																				
TOTAL FEES ENCLOSED =	\$	1,260.00																				
	Amount to be:	\$																				
	refunded	\$																				
	charged	\$																				

a. ☒ A check in the amount of \$ 1,260.00 to cover the above fees is enclosed.

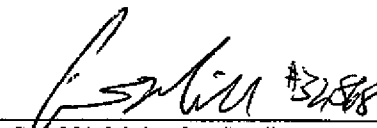
b. ☐ Please charge my Deposit Account. No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2448.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:
 Birch, Stewart, Kolasch & Birch, LLP or Customer No. 2292
 P.O. Box 747
 Falls Church, VA 22040-0747
 (703)205-8000

Date: May 25, 2001

By  #3288
 Gerald M. Murphy, Jr., #28,977

PCT REQUEST

YCT-455

0	For receiving Office use only	
0-1	International Application No.	
0-2	International Filing Date	26.11.99
0-3	Name of receiving Office and "PCT International Application"	
0-4	Form - PCT/RO/101 PCT Request	
0-4-1	Prepared using	PCT-EASY Version 2.90 (updated 15.10.1999 .)
0-5	Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
0-6	Receiving Office (specified by the applicant)	Japanese Patent Office (RO/JP)
0-7	Applicant's or agent's file reference	YCT-455
I	Title of invention	LAK ACTIVITY ENHANCERS DERIVED FROM EXTRACT OF LENTINUS EDODES MYCELUM AND LAK ACTIVITY-ENHANCING FORMULATIONS CONTAINING THE EXTRACT
II	Applicant	
II-1	This person is:	applicant only
II-2	Applicant for	all designated States except US
II-4	Name	KOBAYASHI PHARMACEUTICAL CO., LTD.
II-5	Address:	4-3-6, Doshomachi, Chuo-ku, Osaka-shi, Osaka 541-8507 Japan
II-6	State of nationality	JP
II-7	State of residence	JP
III-1	Applicant and/or inventor	
III-1-1	This person is:	applicant only
III-1-2	Applicant for	all designated States except US
III-1-4	Name (LAST, First)	NAGAOKA, Hitoshi
III-1-5	Address:	22-13, Kotobuki 2-chome, Abiko-shi, Chiba 270-1152 Japan
III-1-6	State of nationality	JP
III-1-7	State of residence	JP

PCT REQUEST

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III-2	Applicant and/or inventor	
III-2-1	This person is:	applicant and inventor
III-2-2	Applicant for	US only
III-2-4	Name (LAST, First)	ASANO, Kenji
III-2-5	Address:	c/o Kobayashi Pharmaceutical Co., Ltd. 3-13-35, Mitsuya Minami, Yodogawa-ku, Osaka-shi, Osaka 532-0035 Japan
III-2-6	State of nationality	JP
III-2-7	State of residence	JP
III-3	Applicant and/or inventor	
III-3-1	This person is:	applicant and inventor
III-3-2	Applicant for	US only
III-3-4	Name (LAST, First)	MATSUDA, Yukiko
III-3-5	Address:	c/o Kobayashi Pharmaceutical Co., Ltd. 3-13-35, Mitsuya Minami, Yodogawa-ku, Osaka-shi, Osaka 532-0035 Japan
III-3-6	State of nationality	JP
III-3-7	State of residence	JP
III-4	Applicant and/or inventor	
III-4-1	This person is:	applicant and inventor
III-4-2	Applicant for	US only
III-4-4	Name (LAST, First)	TAJIMA, Yutaka
III-4-5	Address:	10-511, Yaemizo 3-chome, Saga-shi, Saga 849-0935 Japan
III-4-6	State of nationality	JP
III-4-7	State of residence	JP
IV-1	Agent or common representative; or address for correspondence The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name (LAST, First)	SHAMOTO, Ichio
IV-1-2	Address:	YUASA AND HARA Section 206, New Ohtemachi Bldg, 2-1, Ohtemachi 2-chome, Chiyoda-ku, Tokyo 100-0004 Japan
IV-1-3	Telephone No.	03-3270-6641
IV-1-4	Facsimile No.	03-3246-0233
IV-1-5	e-mail	yulawpat@yuasa-hara.co.jp

PCT REQUEST

YCT-455

IV-2	Additional agent(s)	additional agent(s) with same address as first named agent	
IV-2-1	Name(s)	IMAI, Shosuke; MASUI, Chuji; KURITA, Tadahiko; KOBAYASHI, Yasushi; TOMITA, Hiroyuki	
V	Designation of States		
V-1	Regional Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	--	
V-2	National Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	CA CN GB KR SG US	
V-5	Precautionary Designation Statement In addition to the designations made under items V-1, V-2 and V-3, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except any designation(s) of the State(s) indicated under item V-6 below. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit.		
V-6	Exclusion(s) from precautionary designations	NONE	
VI-1	Priority claim of earlier national application		
VI-1-1	Filing date	27 November 1998 (27.11.1998)	
VI-1-2	Number	353927 /1998	
VI-1-3	Country	JP	
VI-2	Priority document request The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) identified above as item(s):	VI-1	
VII-1	International Searching Authority Chosen	Japanese Patent Office (JPO) (ISA/JP)	
VIII	Check list	number of sheets	electronic file(s) attached
VIII-1	Request	5	-
VIII-2	Description	20	-
VIII-3	Claims	1	-
VIII-4	Abstract	1	-
VIII-5	Drawings	4	-
VIII-7	TOTAL	31	
	Accompanying items	paper document(s) attached	electronic file(s) attached
VIII-8	Fee calculation sheet	✓	-
VIII-16	PCT-EASY diskette	-	diskette
VIII-18	Figure of the drawings which should accompany the abstract	4	
VIII-19	Language of filing of the international application	Japanese	

PCT REQUEST

YCT-455

IX-1	Signature of applicant or agent	
IX-1-1	Name (LAST, First)	SHAMOTO, Ichio (seal)
IX-2	Signature of applicant or agent	
IX-2-1	Name (LAST, First)	IMAI, Shosuke (seal)
IX-3	Signature of applicant or agent	
IX-3-1	Name (LAST, First)	MASUI, Chuji (seal)
IX-4	Signature of applicant or agent	
IX-4-1	Name (LAST, First)	KURITA, Tadahiko (seal)
IX-5	Signature of applicant or agent	
IX-5-1	Name (LAST, First)	KOBAYASHI, Yasushi (seal)
IX-6	Signature of applicant or agent	
IX-6-1	Name (LAST, First)	TOMITA, Hiroyuki (seal)

FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/JP
10-6	Transmittal of search copy delayed until search fee is paid	

FOR INTERNATIONAL BUREAU USE ONLY

11-1	Date of receipt of the record copy by the International Bureau	
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